

# Memorandum



(Second Reading 11-30-04)

**Date:** September 9, 2004

Agenda Item No. 6(J)

**To:** Honorable Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**From:** George M. J. Goss  
County Manager

**Subject:** Ordinance Granting Enterprise Zone Ad Valorem  
Tax Exemption Under Ordinance 96-74 for Barney's Inc.

## RECOMMENDATION

It is recommended that pursuant to the provisions of Section 196.1995, Florida Statutes, and Miami-Dade County Ordinance 96-74, that the Board approve an ordinance granting Enterprise Zone Ad Valorem Tax Exemption to Barney's, Inc., hereinafter referred to as "Business." The amount of tax exemption for the Fiscal Year 2003 is \$694.85 for tangible personal property. Approximately \$510,000 in private funds has been invested in the Enterprise Zone and, as a result, 14 new full-time jobs have been created by this business, of which two (2) of them are held by residents of the Enterprise Zone

## BACKGROUND

On April 19, 1988, the Board enacted Ordinance No. 88-27, which authorized Enterprise Zone Ad Valorem Tax Exemption for new or expanding businesses, which invest in these zones. On May 21, 1996, the aforementioned ordinance was revised and enacted as Ordinance No. 96-74.

The Business has filed an application for Enterprise Zone Ad Valorem Tax Exemption for improvements made to its real properties and for acquisition of tangible personal property. The Property Appraiser reviewed the application and inspected the property to arrive at determinations of the appropriate exemption.

To be eligible for this exemption, a new or expanded business shall create a minimum of five (5) new full-time jobs. If, on a given year of the 5 year exemption, 20% or more of a business' permanent full-time employees are residents of the Enterprise Zone, the exemption for that year will be 100 percent of the assessed value of all improvements to real property, or 100 percent of the assessed value of all tangible personal property. In case the company cannot comply with the 20% residency requirement of their employees living in the Enterprise Zone, then the exemption for that year will be 50% of the assessed value.

Once the Board has granted approval, Miami-Dade's Office of Community and Economic Development (OCED) will monitor the firm's compliance during the life of the tax exemption.

Florida State incentives available in the Enterprise Zone include jobs tax credit, property tax credit, community contribution tax credit, sales tax exemption on building materials and sales tax exemption on

business equipment. The Business has indicated that the availability of these incentives was a contributing factor in its decision to locate in the Enterprise Zone.

Detailed information regarding the Business is provided below. The tax exemption is based on the estimated countywide municipal service area millage rate of 5.969 for fiscal year 2003, the year the Business became eligible for the tax abatement.

**Barney's Inc.**

Address:	832 Collins Avenue, Miami Beach, FL 33139	
Community Redevelopment Area (CRA):	No	
Product:	Retailer	
Contact Person:	Mark Polakov (201) 531-7760	
Employment:	14 New Jobs	
Basis for Application:	Acquisition of Tangible Personal Property	
Total New Investment:	\$510,000	Approximately
Exemption Eligibility:	\$ -0- \$232,821	(real property) tangible personal property)
50% Estimated County Tax Exemption Per Year:	\$ -0- \$694.85	(real property) (tangible personal property)
<b>Total:</b>	<b>\$694.85</b>	
Period:	Five (5) Years	

**ECONOMIC IMPACT ANALYSIS**

The economic impact of the ordinance is summarized in the Economic Impact Analysis Chart on page 3. If the full exemption is granted, the impact on the County budget would be to reduce revenues by \$1,389.71 for fiscal year 2003, based on the estimated countywide municipal service area millage rate for fiscal year 2003 millage. The portion, which applies to tangible personal property, totaling \$1,389.71 declines annually as the property is depreciated. However, the Business is entitled to only \$694.85 in total tax exemption, which represents 50% of the eligible tax exemption. This is due to the fact that the Business has less than 20% employment from the Enterprise Zone. Please see the attached revenue implication statement prepared by the Property Appraiser's Office for this project.

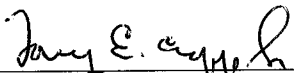
The impact of the exemption on the private sector is to reduce the applicant's operating costs by these amounts, which is intended as an incentive to invest and create jobs in the most distressed areas of Miami-Dade County. The Business created 14 new jobs, which include a total of two (2) jobs for residents of the Enterprise Zone. Exemption recipients are monitored annually for compliance with maintaining five (5) new full-time jobs requirement. Businesses found not be in compliance with maintaining five (5) new full-time employees will lose their tax exemption.

The initial cost of processing the application is offset by a \$50 application fee, plus 10% of the first year's exemption. The public benefits of this project is the investment and job creation in Miami-Dade County's distressed areas. The additional payroll and economic activity generates other taxable activity. In addition, once the exemption period ends, the County will receive the increased taxes from the new business.

**ECONOMIC IMPACT ANALYSIS CHART**

Company	Exemption	Term	Projected Total Jobs	Projected E.Z. Jobs	Projected New Jobs	Total New Investment
Barney's, Inc.	\$694.85	5 Yrs.	14	2 (14%)	14	\$510,000
<b>TOTAL</b>	<b>\$694.85</b>	<b>5 Yrs.</b>	<b>14</b>	<b>2</b>	<b>14</b>	<b>\$510,000</b>

Attachment

  
\_\_\_\_\_  
Assistant County Manager

**Enterprise Zone Abatement  
Property Tax Assessments/Revenue Implications**

**Business Name:** Tommy Hilfiger  
**Address:** 832 Collins Ave. Miami Beach FL 33139  
**Folio #:** PP Folio # 40-081379

**Estimate- 2003**

**1. Assessed Value of Improvements/Additions to:**

(a) Real Property

\$0

(b) Tangible Personal Property

\$235,334

**2. Total Taxes Levied on Improvements and Additions to:**

(a) Real Property (excluding land)

(Based on 2003 millages)

\$0.00

(i) County Operating

\$0.00

(ii) Unincorporated Municipal Service Area

\$0.00

(iii) Debt Service

\$0.00

(v) All other property taxes

\$0.00

(b) Tangible Personal Property

(Based on 2003 millages)

\$5,941.83

(i) County Operating

\$1,404.71

(ii) Unincorporated Municipal Service Area

\$0.00

(iii) Debt Service

\$67.07

(v) All other property taxes

\$4,470.05

**Revenue Implications :**

**3. Total property tax revenue for the current tax year from ad valorem taxes:**

\$1,085,664,000

**4. Total revenue forgone for the current fiscal year by virtue of exemptions previously granted under this section:**

\$1,000,238

**5. Total revenue forgone for the current fiscal year if exemption applied for is granted:**

**R.E. :** \$0.00 **P.P. :** \$1,389.71

\$1,389.71

**6. Taxable value forgone if the exemption applied for were granted on:**

(a) Improvement to Real Property

\$0

(b) Tangible personal Property

\$232,821

\$232,821

**7. Last year for which exemption may be applied for 2007.**

**Date:**

4/22/04

**Signed:**

  
Property Appraiser

PTARI FORM

Barney's New York						
Miami Employees						
4/30/2004						
CHITEL	JENNIFER	6910 SW 44TH ST.#103		MIAMI	Florida	33155
GAGLIARDI	MICHELLE	428 W. 43RD ST.		MIAMI BEACH	Florida	33140
GUALOTUNA	WILMER	1841 BUCHANAN ST		HOLLYWOOD	Florida	33020
NERO-SEDER	ARIA	930 NE 92ND STREET		MIAMI SHORES	Florida	33138
FERRER	SUSY	200 COLLINS AVE.#15		MIAMI BEACH	Florida	33139
GREENE	STEPHANY	710 WASHINGTON AVE	APT #426	MIAMI BEACH	Florida	33139
SIERRA	ROBERTO	1770 MERIDIAN AVE.	#101	MIAMI	Florida	33139
CRISSIEN	JAIME	6648 NW 179 TERRACE		MIAMI LAKES	Florida	33015
LEEGATE	RYAN	7961 NW 4TH PLACE		PLANTATION	Florida	33324
FELDMAN	MELISSA	1605 LENOX AVE, #2		MIAMI BEACH	Florida	33139
CAMINERO	ARIEL	8865 N.E. 9TH CT		MIAMI	Florida	33138
LEONARD	SAMANTHA	465 DE SOTO DRIVE		MIAMI	Florida	33166
COTLER	AMANDA	1756 N. BAYSHORE DR.	#26C	MIAMI	Florida	33132
MAYO	JULIANA	1526 PENNSYLVANIA	AVE # 1B	MIAMI BEACH	Florida	33139

Enterprise Zone Employees 2  
 Total Employees 14  
 % Enterprise Zone Employ. 14%



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** November 30, 2004

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 6(J)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

6

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 6(J)

11-30-04

ORDINANCE NO. \_\_\_\_\_

ORDINANCE GRANTING ENTERPRISE ZONE AD  
VALOREM TAX EXEMPTION TO BARNEY'S, INC., A NEW  
BUSINESS LOCATED IN THE ENTERPRISE ZONE;  
PROVIDING SCOPE AND TERMS OF EXEMPTION;  
PROVIDING SEVERABILITY, EFFECTIVE DATE AND  
EXPIRATION DATE

WHEREAS, this Board recognizes the need to stimulate economic development in certain areas of Dade County which are economically depressed, where housing and structural conditions are blighted and deteriorated, and where unemployment and poverty are prevalent, said areas being designated "Enterprise Zones" as defined in Section 196.012 and Section 290.004, Florida Statutes; and

WHEREAS, pursuant to Article VII, Section 3 of the Florida Constitution, the State has enacted Section 196.1995, Florida Statutes, providing a local government option for ad valorem tax exemption to new businesses and expansions of existing businesses in each such Enterprise Zone; and

WHEREAS, this Board authorized Enterprise Zone Ad Valorem Tax Exemptions to new businesses and for the expansion of existing businesses located in the Enterprise Zone through Ordinance No. 96-74 enacted on May 21, 1996; and

WHEREAS, this Board desires to encourage economic growth and development and alleviate the conditions of unemployment, economic disinvestments and poverty by creating new

construction, new jobs, and an enhanced business climate particularly for small or minority owned businesses; and

WHEREAS, Barney's Inc., hereinafter referred to as "Business", located at 832 Collins Avenue, Miami Beach, FL 33139, within Enterprise Zone No. 1301 has made application for ad valorem tax exemptions; and

WHEREAS, the Business has committed to this Board that it will maintain a work force of at least five (5) employees; and

WHEREAS, this Board finds that the Business has tax bills which are current; and

WHEREAS, this Board finds that ad valorem tax exemption is appropriate and consistent with the public purpose to eliminate the serious and distressing economic conditions of the designated "Enterprise Zone" in Miami-Dade County,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Legislative Intent and Findings of Public Purpose. The above recitations of legislative intent and findings of public purpose are fully incorporated herein as part of this ordinance.

Section 2. Eligibility Requirements. This Board finds the Business is a "new business" as defined in Section 196.012(15) (b) Florida Statutes (1991) and as defined in Miami-Dade County Ordinance No. 96-74 and after careful consideration of certain factors including those



enumerated in Section 29-84(d) of the Dade County Code finds and determines the Business is eligible for ad valorem tax exemption.

Section 3. Granting the Exemption. This Board hereby grants ad valorem tax exemptions pursuant to Ordinance No. 96-74, enacted on May 21, 1996, to Barney's, Inc., located at 832 Collins Avenue, Miami Beach, FL 33139, a "new business". The exemption will be 50% of the eligible assessed value of the tangible personal property acquired and owned by the Business and located at 832 Collins Avenue, Miami Beach, FL 33139.

Section 4. Revenue Implications. The total amount of revenue available to the County from ad valorem tax sources for the 2003 fiscal year is \$1.1 billion. The total amount of revenue foregone by the County for the 2003 fiscal year by virtue of Enterprise Zone Ad Valorem Tax Exemptions is \$1,000,238. The revenue foregone by the County attributable to the exemption of the Business named in the ordinance is estimated at \$694.85 for tangible personal property, which represents 50% of the eligible tax exemption, based on the assessment by the Property Appraiser of Miami-Dade County.

Section 5. Duration and Expiration of the Tax Exemption. The duration of the Enterprise Zone Ad Valorem Tax Exemption granted to the Business is five (5) years. The tax exemption granted in this ordinance shall expire after the 2007 tax assessment rolls of Miami-Dade County. Notwithstanding the foregoing, the Business must apply for a renewal of the exemption each year for which the exemption is sought. Failure to file a renewal application with the Property Appraiser by March 1, of each year shall constitute a waiver of the exemption for the year.

Section 6. Scope of Exemptions. The property tax exemption authorized through this ordinance shall be 50% of the eligible assessed value of the tangible personal property made by or for the use of the Business, if the company complies with the five (5) full-time jobs requirement. The exemption shall apply only to Miami-Dade County countywide operating millage and, when applicable, the unincorporated municipal service area millage and shall not apply to taxes levied for payment of bonds or to taxes authorized by vote of the electors pursuant to Section 9(b) of Section 12, Article VII of the State Constitution. The exemption shall not be prolonged or extended by granting exemption from additional taxes or by virtue of any reorganization or sale of the Business receiving the exemption.

Section 7. Penalties. Non-compliance during the life of the tax exemptions unless expressly waived by the Board, with any of the eligibility requirements of Section 29-87 of the Miami-Dade County Code will nullify the tax exemption benefits granted through this ordinance and the Business shall be required to make payments of taxes exempted in addition to interest accrued from the date of non-compliance.

Section 8. Fee. The Business named in the ordinance will pay a \$50 application fee and a fee of 10% of the first year tax exemption to cover administrative expenses of Miami-Dade County in processing the application for tax exemption. The fee is non-refundable even if Dade County rescinds the tax exemptions due to non-compliance with eligibility requirements.

Section 9. Renewal Provisions. Enterprise Zone Ad Valorem Tax Exemptions granted through this ordinance can be renewed each year for the duration of the term of the exemption as indicated in Section 5 of this ordinance; however, the Business must re-apply to maintain the exemptions on or before March 1 of each year for which the renewal is sought. Failure to file a

renewal application with the Property Appraiser by March 1 of any year shall constitute a waiver of the exemption for that year.

Section 10. Severability. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 11. Effective Date. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 12. Sunset. This ordinance shall stand repealed five (5) years from its effective date.

PASSED AND ADOPTED:

Approved by County Attorney as  
To form and legal sufficiency.

RA6

Prepared by:

SDS/RA6

Shannon D. Summerset